

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| Michael Bies,            | : | Case No. 1:00-cv-682              |
|                          | : |                                   |
| Petitioner,              | : | District Judge Susan J. Dlott     |
|                          | : |                                   |
| v.                       | : | Chief Magistrate Judge Michael R. |
|                          | : | Merz                              |
| Margaret Bagley, Warden, | : |                                   |
|                          | : | ORDER ADOPTING REPORT AND         |
| Respondent               | : | RECOMMENDATION AND                |
|                          | : | SUPPLEMENT AND GRANTING           |
|                          | : | WRIT OF HABEAS CORPUS             |

This matter is before the Court on the Magistrate Judge's Report and Recommendation and Supplement on Petitioner's bifurcated Nineteenth Claim for Relief (docs. ##s 107, 110) ("Reports"); Respondent's Objections (docs. ##s 108, 111); and Petitioner's Responses (docs. ##s 109, 112). Upon review of the Magistrate's well-reasoned Reports, the parties' papers, and relevant authority, the Court **ADOPTS** the Magistrate's Reports (docs. ##s 107, 110) in their entirety.

The Court accordingly **GRANTS** Petitioner's Third Amended Petition for Writ of Habeas Corpus (doc. # 93) as to Petitioner's bifurcated Nineteenth Claim for Relief and **ISSUES** a writ of habeas corpus *ad subjiciendum* requiring the State of Ohio to vacate Petitioner's unconstitutional sentence of death and re-sentence him, in accordance with Ohio law, to some other sentence. This writ pertains exclusively to Petitioner's death sentence on his aggravated murder charge, and does not reach Petitioner's underlying aggravated murder conviction or his other convictions or sentences.

IT IS SO ORDERED.

s/Susan J. Dlott

Susan J. Dlott  
United States District Judge